

CORRESPONDENCE SUMMARY

DATE: September 21, 2012

CORRESPONDENCE NUMBER: ZCOR 2012-0139

SUBJECT: Zoning determination regarding conditions of approval associated with SPEX-2009-0009
Stonewall Hybrid Energy Park

1993 Ordinance Reference Numbers:

1972 Ordinance Reference Numbers:

Other Applicable Reference Numbers: ZMAP-2009-0005*
(LSDO/FSM/ZMAP/SPEX) SPEX-2009-0009*
STMP-2012-0012*

Applicable Tax Map/PIN Numbers:

/60////////38A	193-49-0639
/61////////14/	193-29-6778
/61////////12/	193-39-3665
/60////////38/	193-38-4362
/60////////39/	194-48-6020

Correspondence Summary: Determination regarding condition of approval 10 associated with SPEX-2009-0009, Air Quality. Equipment and components may be updated to use Best Available Control Technology as long emissions levels do not exceed the overall Annual Total amounts, plus 5%, as depicted in Table 3.1 from the conditions of approval. The "Lbs/hour" and "Tons/year" component emissions projections listed in the Table may vary as long as said levels do not exceed the Annual Total amounts plus 5% depicted in the table. The use must still meet all federal and state regulations.

PROPERTY OWNERS: John Andrews
PO Box 660
Hamilton, VA 20159-0660

LTI Limited Partnership
c/o Capitol Properties
PO Box 740
Warrenton, VA 20188-0740

Evergreen Loudoun-One LTD Partnership
Wayne T. Day
5811 Rapley Preserve Circle
Potomac, MD 20854-5475

Author: Teresa H. Miller

*Indicates where to file

Is this a determination? Check one: Yes ☒ No ☐



Loudoun County, Virginia
www.loudoun.gov

Department of Building and Development
Zoning Administration / MSC# 60A
1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000
Administration: 703-777-0220 • Fax: 703-771-5215

September 21, 2012

Walsh Colucci Lubley Emrich & Walsh PC
Kimberlee Welsh Cummings, AICP
1 E. Market Street, Third Floor
Leesburg, VA 20176-3014

RE: Zoning determination SPEX -2009-0009, Green Energy Partners/Stonewall Hybrid Energy Park
Parcel MCPI: 193-29-6778, 193-38-4362, 193-39-3665, 194-48-6020 and 193-49-0539

Dear Ms. Cummings:

This is in response to your letter dated August 28, 2012, to Nicole Dozier, Zoning Administrator, requesting a determination concerning the conditions of approval associated with Green Energy Partners/Stonewall Hybrid Energy Park SPEX-2009-0009. Specifically, you have requested a determination concerning Condition 10 and associated Table 3.1 (the "Table"). The request is as follows:

1. New equipment and components may be updated and incorporated into the Facility to meet regulatory requirements, equipment availability, operational standards, and Best Available Control Technology as contemplated by Condition 17, so long as such updates would not result in emissions levels in excess of the overall Annual Total amounts plus five percent (5%) depicted in the Table; and
2. The "Lbs/hour" and "Tons/year" component emission projections listed in the Table may vary as long as said levels do not exceed the Annual Total amounts plus five percent (5%) depicted in the Table.

The answer to your request is yes, new equipment and components may be updated and incorporated into the Facility to meet regulatory requirements, equipment availability, operational standards, and Best Available Control Technology as contemplated by Condition 17, so long as such updates would not result in emissions levels in excess of the overall Annual Total amounts plus five percent (5%) depicted in the Table; and the "Lbs/hour" and "Tons/year" component emission projections listed in the Table may vary as long as said levels do not exceed the Annual Total amounts plus five percent (5%) depicted in the Table. It is noted this determination does not exempt the use from meeting federal and state requirements regarding emissions levels.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Zoning Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the text of the Zoning Ordinance as it exists today, September 21, 2012, and such text is subject to change.

If you have any questions regarding this correspondence, please contact me at (703) 737-8787.

Sincerely,

A handwritten signature in dark ink, appearing to read "Teresa H. Miller".

Teresa H. Miller, CZA
Planner, Zoning Administration

cc: Scott York, Board of Supervisors Chairman
Robin Bartok, Aide to Chairman York
Ken Reid, Leesburg District Supervisor
Marilee L. Seigfried, Deputy Zoning Administrator
Property Owners of Record